

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACOB ANDREW JOHNSTON,

Plaintiff,

v.

CRYSTAL JENNINGS, *et al.*,

Defendants.

CASE NO. 3:22-cv-05394-RAJ-JRC

ORDER DENYING MOTIONS TO  
COMPEL DISCOVERY

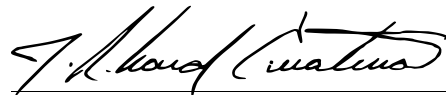
This matter is before the Court on referral from the District Court and on plaintiff's motions to compel discovery. Dkts. 34, 38. Plaintiff's motions to compel are denied because plaintiff has not served defendants with any discovery requests prior to filing his motions and the motions do not include a certificate that plaintiff has in good faith conferred or attempted to confer with counsel for defendants. *See* Dkts. 34, 38.

While a party may apply to the Court for an order compelling discovery, Federal Rule of Civil Procedure 37 and Local Civil Rule 37(a)(1) require the movant to first meet and confer with the party failing to make disclosure or discovery in an effort to resolve the dispute without

1 court action. In addition, when filing a motion to compel, the movant must include a  
2 certification, in the motion or in a declaration or affidavit, that the movant has in good faith  
3 conferred or attempted to confer with the party failing to make disclosure or discovery in an  
4 effort to resolve the dispute without court action. *See* LCR 37(a)(1). The certification must list  
5 the date, manner, and participants to the conference. *Id.* If the movant fails to include such a  
6 certification, the Court may deny the motion without addressing the merits of the dispute. *Id.*

7 Here, plaintiff requests that the Court order defendants to respond to his discovery  
8 requests. Dkts. 34, 38. In response to plaintiff's motions, counsel for defendants note that the  
9 parties are currently in a period of discovery and, thus, plaintiff is free to submit discovery  
10 requests to defendants in the ordinary course of litigation. Dkt. 37 at 1; Dkt. 42 at 1 (citing Fed.  
11 R. Civ. P. 26–37). Further, counsel for defendants assert that plaintiff has not made any efforts to  
12 contact defendants regarding his discovery requests and that the parties have not met and  
13 conferred. Dkt. 37 at 2; Dkt. 42 at 2. Plaintiff has failed to meet his requirements under the local  
14 court rule by not conferring with defendants' counsel by telephone or providing a certification of  
15 compliance with this rule. Therefore, the Court denies plaintiff's motions to compel (Dkts. 34,  
16 38).

17 Dated this 10th day of April, 2023.

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20 J. Richard Creatura  
21 United States Magistrate Judge  
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